



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,573	08/07/2001	Dwip N. Banerjee	AUS920010318US1	2690

24945 7590 05/09/2003

STREETS & STEELE
13831 NORTHWEST FREEWAY
SUITE 355
HOUSTON, TX 77040

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,573

Applicant(s)

BANERJEE ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (U.S. Pub. 2002/0174000) in view of Chandra et al. (U.S. Patent No. 2002/0138582).

As to claims 1, and 19, Katz et al. discloses a computer program product including instructions embodied on a computer readable medium (See page 1, column 1, lines 9-15), the instructions comprising:

maintaining instructions for maintaining identification for a group of decision making entities in a memory device (See page 11, column 1, lines 20-39, also see page 7, column 2, lines 1-22, also see page 9, column 1, lines 30-55);

communicating instructions for communicating a query to the plurality of decision-making entities (See page 20, column 2, lines 32-44), wherein the query includes a description of the proposed action (See page 7, column 2, lines 24-41);

receiving instructions for receiving query responses from the plurality of decision-making entities (See page 23, column 1, lines 31-49), wherein each response includes an indicator of support for the proposed action (See page 10, column 1, lines 37-52, also see page 10, column 2, lines 13-22, wherein "indicator of support" reads on "rating");

Art Unit: 2175

implementing instructions for automatically implementing the decision if the cumulative support is greater than the setpoint (See page 10, column 1, lines 1-25).

Katz et al. does not disclose maintaining instructions for maintaining a setpoint representing a minimum cumulative support required to implement a proposed action ;

determining instructions for determining the cumulative support from the query responses received.

Chandra et al. discloses maintaining instructions for maintaining a setpoint representing a minimum cumulative support required to implement a proposed action (See page 14, column 1, lines 52-67, wherein “cumulative support” reads on “compile sign-off”)

determining instructions for determining the cumulative support from the query responses received (See page 3, column 2, lines 40-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Katz et al. to include maintaining instructions for maintaining a setpoint representing a minimum cumulative support required to implement a proposed action; determining instructions for determining the cumulative support from the query responses received.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Katz et al. by the teaching of Chandra et al. to include maintaining instructions for maintaining a setpoint representing a minimum cumulative support required to implement a proposed action; determining instructions for determining the cumulative support from the query responses received because it provides for business cost reduction and more efficient agreeable business decision making.

Art Unit: 2175

As to claims 2, and 20, Katz et al. as modified discloses further comprising communicating messages to one or more of the decision-making entities (See page 20, column 2, lines 32-44, also see Chandra et al. page 25, column 2, lines 8-31).

As to claims 3, and 21, Katz et al. as modified further comprising communicating messages from one or more of the decision-making entities to at least one different decision-making entity (See page 11, column 2, lines 4-14).

As to claims 4, and 22, Katz et al. as modified wherein the indication of support is of a type selected from qualitative, quantitative, functional or a combination thereof (See page 32, column 2, lines 34-49, wherein “indication of support” reads on “approval”).

As to claims 5, and 23, Katz et al. as modified wherein the step of automatically implementing the decision includes transmitting an instruction to one or more trading networks (See page 5, column 1, lines 39-45, wherein “trading” reads on “auctions”).

As to claims 6, and 24, Katz et al. as modified further comprising:
imposing arbitration among the plurality of decision-making entities (See page 11, column 1., lines 1-17, wherein “arbitration” reads on “skew data”) if the query responses provide cumulative support less than the minimum setpoint value (See Chandra et al. page 32, column 1, lines 44-65, also see Chandra et al. page 14, column 1, lines 8-10).

Art Unit: 2175

As to claims 7, and 25, Katz et al. as modified further comprising:

initiating an intra-group caucus between a plurality of the decision-making entities (See page 10, column 1, lines 1-26, also see Chandra et al. page 29, column 2, lines 1-22, also see Chandra et al. page 28, column 1, lines 7-12, wherein “initiating” reads on “sharing”).

As to claims 8, and 26, Katz et al. as modified further comprising:

receiving a request from one of the decision-making entities to initiate a query, wherein the request includes the proposed action (See page 7, column 2, lines 23-41, also see Chandra et al. page 35, column 1, lines 1-8).

As to claims 9, and 27, Katz et al. as modified wherein the query is formulated by one of the plurality of decision-making entities and transmitted to a central coordinator for subsequent communication to the plurality of decision-making entities (See page 28, column 2, lines 29-40, wherein “decision-making entities” reads on “user”).

As to claims 10, and 28, Katz et al. as modified wherein the setpoint is established by the decision making entity that formulates the query (See page 2, column 1, lines 63-67, also see page 19, column 1, lines 47-66, also see Chandra et al. column 2, lines 5-21, also see Chandra et al. page 36, column 1, lines 1-18).

Art Unit: 2175

As to claims 11, and 29, Katz et al. as modified wherein the step of implementing the decision comprises transmitting an electronic communication to a third party (See page 20, column 2, lines 18-44, wherein “electronic communication” reads on “e-mail”, also see page 5, column 1, lines 39-49).

As to claims 12, and 30, Katz et al. as modified wherein the identification of each decision-making entity includes a weighting factor; and wherein the step of determining the cumulative support includes applying the weighting factor against each indicator of support for the decision (See page 11, column 1, lines 12-39, also see page 26, column 1, lines 61-67, also see page 10, column 2, lines 16-22, also see Chandra et al. page 34, column 2, lines 43-67, and see Chandra et al. page 35, column 1, lines 1-8).

As to claims 13, and 31, Katz et al. as modified further comprising:

sending a communication to each of the plurality of decision-making entities stating the amount of additional support necessary to reach the minimum setpoint (See Chandra et al. page 36, column 1, lines 1-22, also see Katz et al. page 23, column 2, lines 1-20, wherein “reach the minimum setpoint” reads on “optimization”).

As to claims 14, and 32, Katz et al. as modified wherein the query responses include weighting factors or other criteria relevant to the level of support (See page 6, column 1, lines 38-58, also see page 11, column 1, lines 12-39, also see page 26, column 1, lines 61-67, also see page 10, column 2, lines 16-22).

Art Unit: 2175

As to claims 15, and 33, Katz et al. as modified further comprising:

automatically communicating a second query to the plurality of decision making entities (See page 25, column 1, lines 66-67, and page 25, column 2, lines 1-17, wherein “second query” reads on “second action”) lines if the additional support necessary to reach the minimum setpoint to value is less than an second setpoint (See Chandra et al. page 32, column 1, lines page 21-65).

As to claim 16, Katz et al. as modified further comprising:

querying one of the plurality of decision-making entities for authorization to implement the decision if the query responses provide cumulative support greater than the minimum setpoint (See Chandra et al. page 14, column 1, lines 52-67, wherein “cumulative support” reads on “compile sign-off”, also see Katz et al. page 10, column 1, lines 1-19, wherein “authorization to implement” reads on “after approval of subset of entities”).

As to claims 17, and 34, Katz et al. as modified further comprising:

obtaining approval or denial to implement the decision (See Chandra et al. page 14, column 1, lines 57-60).

As to claims 18, and 35, Katz et al. as modified further comprising:

transmitting instructions for communicating the cumulative response to the plurality of decision-making entities (See Chandra et al. page 27, column 2, lines 39-67, also see Chandra et al. page 28, column 1, lines 1-33);

Art Unit: 2175

transmitting instructions for formulating a second query based on this cumulative response (See page 10, column 1, lines 1-25, also see Chandra et al. page 27, column 2, lines 39-67, also see Chandra et al. page 34, column 2, lines 37-67, and Chandra et al. page 35, column 1, lines 1-9);

transmitting instructions for communicating second responses from the plurality of decision-making entities (See page 25, column 1, lines 66-67, and page 25, column 2, lines 1-17, wherein “second query” reads on “second action”), wherein the second responses comprise revised weighting factors (See page 6, column 1, lines 48-58, and see page 10, column 2, lines 13-30, also see Chandra et al. page 28, column 1, lines 54-67); transmitting instructions for determining the cumulative response to the second query incorporating the revised weighting factors (See page 6, column 1, lines 38-58, also see page 11, column 1, lines 12-39, also see page 26, column 1, lines 61-67, also see page 10, column 2, lines 16-22); implementing instructions, for implementing the decision if the second query responses provide cumulative support greater than the minimum setpoint value (See page 23, column 2, lines 1-21).

As to claim 36, Katz et al. as modified wherein one or more of the plurality of decision making entities communicates through a personal digital assistant (See Chandra et al. page 47, column 2, lines 12-14).

As to claim 37, Katz et al. as modified wherein the communications occur over a wireless network (See page 19, column 1, lines 4-6, also see Chandra et al. page 47, column 2, lines 12-14).

As to claim 38, Katz et al. as modified wherein the communications utilize instant messaging (See Chandra et al. page 11, column 1, lines 10-15).

As to claim 39, Katz et al. as modified further comprising:

providing a collaboration manager to interface between decision-making entities having different computer platforms or applications (See Chandra et al. page 9, column 2, lines 12-16, also see Chandra et al. page 4, column 1, lines 5-18).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tolopka (U.S. Patent No. 6,064,976) discloses a scheduling system based on a strong confidence value to determine the availability of individuals.

Papierniak et al. (U.S. Patent No. 6,151,601) discloses a method for collecting, analyzing, and/or transforming Internet data for storage.

Horvitz (U.S. Patent No. 6,415,304) discloses waiting prior to engaging in action for enhancement of automated service.

Adler (U.S. Pub. 2002/0169658) discloses a method for modeling and analyzing strategic business decisions.

Horvitz (U.S. Patent No. 6,553,358) discloses decision-theoretic approach to harnessing text classification for guiding automated action.

Art Unit: 2175


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114.

The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil
May 5, 2003


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100